

SENATE BILL No. 289

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-1.5; IC 2-2.1-1-2.7; IC 3-3-2; IC 3-3-3; IC 3-8.

Synopsis: Redistricting commission. Establishes a redistricting commission to create, hold hearings on, take public comment about, and recommend plans to redraw general assembly districts and congressional districts. Requires the legislative services agency to provide staff and administrative services to the commission. Establishes standards to govern the commission and the legislative services agency in the creation of redistricting plans. Requires the general assembly to meet and to enact redistricting plans for general assembly districts before October 1 of a redistricting year. Provides that the commission's plan for congressional districts becomes the congressional district plan when adopted by the commission unless the general assembly enacts a different plan by law. Authorizes the general assembly to convene in a session to act on redistricting bills at times other than the general assembly is currently authorized to meet. Repeals the current law relating to congressional redistricting. Makes an appropriation.

Effective: July 1, 2010.

Simpson

January 11, 2010, read first time and referred to Committee on Elections.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 289

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-1.5 IS ADDED TO THE INDIANA CODE AS A
2 **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2010]:

4 **ARTICLE 1.5. REDISTRICTING OF GENERAL ASSEMBLY**
5 **AND CONGRESSIONAL DISTRICTS**

6 **Chapter 1. Definitions**

7 **Sec. 1. The definitions in this chapter apply throughout this**
8 **article.**

9 **Sec. 2. "Agency" refers to the legislative services agency**
10 **established by IC 2-5-1.1-7.**

11 **Sec. 3. "Appointing authority" refers to any of the following:**

- 12 (1) **The speaker of the house of representatives.**
13 (2) **The minority leader of the house of representatives.**
14 (3) **The president pro tempore of the senate.**
15 (4) **The minority leader of the senate.**

16 **Sec. 4. "Bureau" refers to the United States Department of**
17 **Commerce, Bureau of the Census.**



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1 Sec. 5. "Census data" means the population data that the
2 bureau is required to provide to the state under 13 U.S.C. 141.

3 Sec. 6. "Census year" refers to the year in which a federal
4 decennial census is conducted.

5 Sec. 7. "Commission" refers to the redistricting commission
6 established under IC 2-1.5-2.

7 Sec. 8. "Federal decennial census" refers to a federal decennial
8 census conducted under 13 U.S.C. 141.

9 Sec. 9. "House of representatives" refers to the house of
10 representatives of the general assembly.

11 Sec. 10. "Ideal district population" for a plan refers to the
12 number equal to the quotient of the following, rounded to the
13 nearest whole number:

14 (1) The numerator is the population of Indiana as reported by
15 the most recent federal decennial census.

16 (2) The denominator is the number of districts required by
17 this article for the plan.

18 Sec. 11. (a) "Plan" refers to any of the following:

19 (1) A plan for districts for the house of representatives.

20 (2) A plan for districts for the senate.

21 (3) A plan for congressional districts.

22 (b) A plan includes maps and written descriptions of the maps
23 that define all the districts that a plan is required to have under
24 this article.

25 Sec. 12. "Political subdivision" means a city, county, town, or
26 township.

27 Sec. 13. "Redistricting year" refers to the year immediately
28 following a census year.

29 Sec. 14. "Senate" refers to the senate of the general assembly.

30 Chapter 2. Redistricting Commission

31 Sec. 1. A redistricting commission consisting of nine (9)
32 members is established as provided in this chapter.

33 Sec. 2. Not later than January 15 of a redistricting year, each of
34 the appointing authorities shall do the following:

35 (1) Appoint two (2) individuals to be commission members.

36 (2) Certify to the executive director of the agency the
37 appointment of each individual to the commission.

38 Sec. 3. To be eligible to serve on the commission, an individual
39 must be a resident of Indiana.

40 Sec. 4. An individual is not eligible to serve on the commission
41 if the individual has been any of the following at any time less than
42 six (6) years before the individual's appointment to the

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commission:

- (1) A member of the general assembly or the Congress of the United States.
- (2) A candidate for election to the general assembly or the Congress of the United States.
- (3) The holder of a state office (as defined in IC 3-5-2-48).
- (4) An appointed public official.
- (5) The chairman or treasurer of a candidate's committee of a candidate for election to the general assembly or to the Congress of the United States required by IC 3-9-1 or federal law.
- (6) An individual registered as a lobbyist under IC 2-7.

Sec. 5. (a) Before undertaking the individual's duties as a commission member, an individual appointed under section 2 or 9 of this chapter or elected under section 7 of this chapter must do each of the following:

- (1) Take an oath of office.
- (2) Make an affirmation that the individual will:
 - (A) apply the provisions of this article in an honest and independent manner; and
 - (B) uphold public confidence in the integrity of the redistricting process.
- (3) Make a written pledge that the individual will not be a candidate for:
 - (A) election to the general assembly; or
 - (B) selection to fill a vacancy in the general assembly; at any time before the second election for members of the general assembly after the individual's appointment to the commission.

(b) A member's oath, affirmation, and pledge shall be filed with the agency.

Sec. 6. An individual serves as a commission member until the earlier of the following:

- (1) The individual vacates the individual's membership on the commission.
- (2) The appointment of a new commission under this chapter following a federal decennial census.

Sec. 7. (a) Not later than February 1 of a redistricting year, the executive director of the agency shall convene the members appointed under section 2 of this chapter to elect the commission's chair.

(b) The commission's chair:

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(1) may not be an individual appointed under section 2 of this chapter; and

(2) must have all the other qualifications required by this chapter to be a commission member.

(c) The individual elected under this section becomes the commission's chair upon satisfying the requirements of section 5 of this chapter.

Sec. 8. A commission member may be removed from office for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office as provided by law for the removal of other public officers.

Sec. 9. (a) If the position of commission chair becomes vacant, the executive director of the agency shall convene the commission in the same manner as provided in section 7 of this chapter to elect an individual to fill the vacancy not later than fifteen (15) days after the vacancy occurs.

(b) If a vacancy other than a vacancy described in subsection (a) occurs on the commission, the leader of the caucus whose leader appointed the member whose position is vacant shall appoint an individual to fill the vacancy not later than fifteen (15) days after the vacancy occurs.

Sec. 10. (a) Except as provided in subsection (b), five (5) members of the commission constitute a quorum.

(b) All commission members must be present for the commission to adopt or recommend a plan.

Sec. 11. The affirmative vote of five (5) commission members is necessary for the commission to take official action.

Sec. 12. Each commission member is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

Sec. 13. The agency shall provide the commission with staff and administrative services.

Sec. 14. The amounts necessary to pay the commission's and the agency's expenses to implement this article are continuously appropriated to the agency from the state general fund.

Chapter 3. Redistricting Procedure

Sec. 1. (a) Before January 1 of a redistricting year, the agency shall acquire any hardware, software, and supplies necessary to assist the commission in the performance of its duties under this article.

(b) At any time, the agency may acquire additional hardware,

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1 software, and supplies the executive director of the agency
2 considers necessary to assist the commission in performance of its
3 duties under this article.

4 **Sec. 2. Not later than March 15 of a redistricting year, the**
5 **commission's chair shall convene the commission to do the**
6 **following:**

- 7 (1) Organize the commission.
- 8 (2) Receive reports from the agency concerning the following:
 - 9 (A) Information relating to the receipt of census data from
 - 10 the bureau.
 - 11 (B) The readiness of the agency to assist the commission's
 - 12 work.
 - 13 (C) Any other matter requested by the commission.
- 14 (3) Provide initial instructions to the agency regarding the
- 15 commission's work.
- 16 (4) Schedule hearings required or permitted under section 5
- 17 of this chapter.
- 18 (5) Schedule other meetings the commission considers
- 19 necessary.
- 20 (6) Schedule receipt of maps from the public.

21 **Sec. 3. If the agency is confronted with the necessity to make a**
22 **decision for which no clearly applicable provision of this article or**
23 **instruction of the commission provides an answer, the executive**
24 **director of the agency shall submit a written request to the**
25 **commission for direction.**

26 **Sec. 4. (a) The agency shall do the following:**

- 27 (1) Create maps of legislative district plans and congressional
- 28 district plans that conform to this article and the
- 29 commission's instructions.
- 30 (2) Prepare written descriptions of the maps created under
- 31 subdivision (1).
- 32 (3) Evaluate maps submitted by the public for conformance
- 33 with the standards described in IC 2-1.5-4.

34 **(b) The agency shall produce as many different plans as the**
35 **commission instructs:**

- 36 (1) not earlier than May 1 of a redistricting year; and
- 37 (2) not later than May 15 of the redistricting year.

38 **(c) The agency shall publish the descriptions and maps:**

- 39 (1) prepared for the commission by the agency; and
- 40 (2) submitted to the commission from the public;

41 **as directed by the commission not later than May 15 of a**
42 **redistricting year.**

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1 **Sec. 5. (a) As directed by the commission, the agency shall**
 2 **receive for the commission written public comments regarding the**
 3 **plans after publication of the plans.**

4 **(b) Not later than June 30 of a redistricting year, the**
 5 **commission shall conduct at least one (1) public hearing in each of**
 6 **the following regions of Indiana, as determined by the commission:**

7 **(1) Northern Indiana.**

8 **(2) Central Indiana.**

9 **(3) Southern Indiana.**

10 **(c) The commission may hold hearings in addition to the**
 11 **hearings required by subsection (b).**

12 **(d) The commission shall do the following at any hearings held**
 13 **under this section:**

14 **(1) Explain the redistricting procedure.**

15 **(2) Present the plans prepared for the commission by the**
 16 **agency.**

17 **(3) Have available the plans submitted by the public and the**
 18 **agency's evaluation of those plans.**

19 **(4) Hear public comments and suggestions.**

20 **(e) The commission may take other actions the commission**
 21 **considers appropriate to do the following:**

22 **(1) Explain the redistricting procedure or the plans to the**
 23 **public.**

24 **(2) Receive public comments and suggestions.**

25 **Sec. 6. (a) Not later than August 1 of a redistricting year, the**
 26 **commission shall meet to adopt a report to the general assembly.**
 27 **The report must include the following:**

28 **(1) A summary of the commission's and the agency's**
 29 **preparation for the commission's work.**

30 **(2) A description of the hearings held under section 5 of this**
 31 **chapter.**

32 **(3) A summary of the public comments and suggestions**
 33 **received in writing and at the hearings.**

34 **(4) The commission's recommendation to the general**
 35 **assembly for each of the following:**

36 **(A) A district plan for the house of representatives.**

37 **(B) A district plan for the senate.**

38 **(5) The commission's plan for congressional districts.**

39 **(6) Maps for each plan, including both a statewide map and a**
 40 **map for each district.**

41 **(7) A bill that would enact each of the plans described in**
 42 **subdivision (4).**

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(b) The commission may include any other information in the report that the commission considers useful to explain the commission's work or recommendations.

(c) The report required by this section must be submitted to the legislative council in an electronic format under IC 5-14-6.

Sec. 7. The commission shall:

(1) recommend to the general assembly the plan for house and senate districts; and

(2) adopt the plan for congressional districts; that the commission considers the best in meeting the standards set forth in IC 2-1.5-4.

Sec. 8. (a) A plan for congressional districts becomes the plan when adopted by the commission unless the general assembly enacts a different plan by law.

(b) The executive director of the agency shall file the congressional district plan adopted by the commission with the secretary of state not later than ten (10) days after the commission adopts the plan.

Chapter 4. Redistricting Standards

Sec. 1. Districts created for the house of representatives, the senate, and the United States House of Representatives must comply with the standards of this chapter.

Sec. 2. (a) A plan for house of representatives districts must have one hundred (100) districts.

(b) A plan for senate districts must have fifty (50) districts.

(c) A plan for congressional districts must have as many districts as are allocated to the state of Indiana under 2 U.S.C. 2a.

Sec. 3. Districts must be established on the basis of population.

Sec. 4. The population of a house or a senate district may not deviate from the ideal district population by more than one percent (1%) of the ideal district population.

Sec. 5. (a) Districts must be composed of contiguous territory.

(b) Areas that meet only at the point of adjoining corners are not considered contiguous.

Sec. 6. (a) Districts must be as compact as possible.

(b) The compactness of a district shall be measured by determining the total length of the boundary of the district.

(c) Compactness of a plan shall be measured by adding the compactness measures of all the districts in the plan as determined under subsection (b).

(d) A plan is considered more compact than another plan if the compactness measure of the plan is less than the compactness

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measure of the other plan.

Sec. 7. Districts must not violate precinct boundaries.

Sec. 8. To the extent possible consistent with sections 2 through 6 of this chapter, district boundaries of general assembly districts must coincide with the boundaries of Indiana political subdivisions as follows:

(1) The commission shall minimize the number of counties and cities divided among more than one (1) district.

(2) Except as provided in subdivision (3), if there is a choice between political subdivisions to be divided, the more populous political subdivisions shall be divided before a less populous political subdivision is divided.

(3) Subdivision (2) does not apply to a legislative district boundary drawn along a county line that passes through a municipality that lies in more than one (1) county.

Sec. 9. In evaluating plans for recommendation, the commission shall consider the effect that a plan has on language and racial minority groups.

SECTION 2. IC 2-2.1-1-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2.7. (a) The definitions in IC 2-1.5-1 apply throughout this section.**

(b) Before October 1 of a redistricting year, the general assembly shall convene and enact bills to establish the following:

(1) House of representatives districts.

(2) Senate districts.

(c) A bill to enact a redistricting plan recommended by the redistricting commission under IC 2-1.5-3 must be introduced in and considered by each house of the general assembly, without amendment, except amendments of a technical nature.

(d) Unless the general assembly enacts bills described in subsection (b) at:

(1) a session convened under another section of this chapter;
or

(2) a special session called by the governor;

the general assembly may not consider a matter that is not relevant to the legislation described in subsection (b) during a session convened under this section.

SECTION 3. IC 3-8-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 8. (a) A declaration of candidacy for the office of United States Senator or for the office of governor must be accompanied by a petition signed by at least four thousand five**

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hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

- (1) The signature of each petitioner.
- (2) The name of each petitioner legibly printed.
- (3) The residence mailing address of each petitioner.

(c) This subsection applies to a petition filed during the period:

- (1) beginning on the date that a congressional district plan has been adopted under ~~IC 3-3~~; **IC 2-1.5**; and
- (2) ending on the date that ~~the part of the act or order issued under IC 3-3-2 establishing~~ the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under ~~IC 3-3~~; **IC 2-1.5**.

SECTION 4. IC 3-8-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) A request filed under section 1 of this chapter must be accompanied by a petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

- (1) The signature of each petitioner.
- (2) The name of each petitioner legibly printed.
- (3) The residence mailing address of each petitioner.

(c) This subsection applies to a petition filed during the period:

- (1) beginning on the date that a congressional district plan has been adopted under ~~IC 3-3~~; **IC 2-1.5**; and
- (2) ending on the date that ~~the part of the act or order issued under IC 3-3-2 establishing~~ the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under ~~IC 3-3~~; **IC 2-1.5**.

SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2010]: IC 3-3-2; IC 3-3-3.

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